

Ronald D. Roup (94495) ron@rouplaw.com
 Joan C. Spaeder-Younkin (192235) joan@rouplaw.com
 Brad M. Simon (244369) brad@rouplaw.com
 Kerre Baker Albertoli (159683) kerre@rouplaw.com
 ROUP & ASSOCIATES, A LAW CORPORATION
 23101 Lake Center Drive, Suite 310
 Lake Forest, California 92630
 (949) 472-2377; Fax: (949) 472-2317

Attorneys for Defendants,
 LITTON LOAN SERVICING LP *and*
 HSBC BANK USA NATIONAL
 ASSOCIATION, AS TRUSTEE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

NICHOLAS AGBABIAKA,

Plaintiff,

vs.

HSBC BANK USA NATIONAL
 ASSOCIATION, individually and as trustee
 for OWNIT MORTGAGE LOAN TRUST,
 MORTGAGE LOAN ASSET-BACKED
 CERTIFICATES SERIES 2005-2, ITS
 ASSIGNEES AND/OR SUCCESSORS,
 CONTRA COSTA COUNTY TRUSTEE,
 MORTGAGE ELECTRONIC
 REGISTRATION SYSTEMS, INC.;
 LITTON LOAN SERVICING, LP, ALL
 PERSONS UNKNOWN, CLAIMING ANY
 LEGAL OR EQUITABLE RIGHT, TITLE,
 ESTATE, LIEN, OR INTEREST IN THE
 PROPERTY DESCRIBED IN THIS
 COMPLAINT ADVERSE TO
 PLAINTIFF'S TITLE THERETO, and Does
 1 - 30, inclusive,

Defendants.

Case No. CV 09-03982 JSW

~~[PROPOSED]~~
AMENDED ORDER TO EXPUNGE
LIS PENDENS DUE TO THE
COURT'S ORDER OF DISMISSAL

~~[PROPOSED]~~

AMENDED ORDER TO EXPUNGE LIS PENDENS DUE TO THE COURT'S ORDER OF DISMISSAL

1 PLEASE TAKE NOTICE THAT on November 12, 2009, the Court entered an
2 Order Dismissing without Prejudice for Failure to Prosecute, which took Defendants',
3 LITTON LOAN SERVICING LP ("LITTON" and/or "Defendant") and HSBC BANK
4 USA NATIONAL ASSOCIATION AS TRUSTEE FOR OWNIT MORTGAGE LOAN
5 TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2005-2
6 (hereinafter "HSBC BANK" or "Defendants") Motion to Expunge Lis Pendens off
7 calendar. Therefore, since this matter has been dismissed, the Notice of Pendency of
8 Action pertaining to this action is moot and subject to expungement from the official
9 records of Contra Costa County. A true and correct copy of the Order of Dismissal is
10 attached hereto as **Exhibit "1"** and incorporated herein by reference.

11 **WHEREFORE, IT IS HEREBY ORDERED THAT:**

12 The Lis Pendens recorded on September 2, 2009, as Instrument No. 20090210866
13 in the official records of Contra Costa County is expunged from the official records, and
14 a copy of this Order may be recorded in the official records. A true and correct copy of
15 the Notice of Pendency of Action is attached hereto as **Exhibit "2."**

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17 Dated: April 20, 2010 _____

By:  _____
Judge of the United States District Court

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[PROPOSED]

AMENDED ORDER TO EXPUNGE LIS PENDENS DUE TO THE COURT'S ORDER OF DISMISSAL

EXHIBIT "1"

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS AGBABIAKA,

Plaintiff,

No. C 09-03982 JSW

v.

**ORDER DISMISSING WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE**

HSBC BANK USA NATIONAL
ASSOCIATION, et al.,

Defendants.

On October 8, 2009, Defendants Litton Loan Services and HSBC Bank USA filed a motion to dismiss, a motion to strike, and a motion to expunge lis pendens, and noticed each of those motions for hearing on November 13, 2009. On October 9, 2009, this Court issued an Order continuing the hearing and setting a briefing schedule, by which Plaintiff's opposition briefs to the motions were due on October 30, 2009. As of November 3, 2009, Plaintiff had not filed an opposition to the motion or filed a request to extend the time by which the opposition briefs could be filed.

Thus, on that date, the Court issued an Order to Show Cause why the motions should not be granted as unopposed or why this matter should not be dismissed for failure to prosecute. In the Court's Order to Show Cause, the Court advised Plaintiff that failure to respond to the Order to Show Cause might result in the Court's ruling on the motions as unopposed or dismissing the action for failure to prosecute without further notice to Plaintiff.

1 Plaintiff's response to the Order to Show Cause was due by no later than November 10,
2 2009. Plaintiff has not responded to the Order to Show Cause, has not filed oppositions to the
3 Defendants' motions, and has not sought an extension of time to respond.

4 Accordingly, the Court shall dismiss this matter without prejudice for failure to
5 prosecute. The Clerk is directed to close the file.

6 **IT IS SO ORDERED.**

7
8 Dated: November 12, 2009

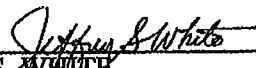

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

EXHIBIT "2"

1 **PHYLLIS VOISENAT, ESQ. (CSB# 159095)**
2 **ATTORNEY AND COUNSELOR AT LAW**

3 1330 Broadway, Suite 1035

4 Oakland, Ca. 94612

5 Tel: (510) 272-9410

6 Fax: (510) 272-9158

7 Attorney for Plaintiff

8 **NICHOLAS AGBABIAKA**

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **NICHOLAS AGBABIAKA**

12 **PLAINTIFF,**

13 **VS**

14 **HSBC BANK USA NATIONAL**
15 **ASSOCIATION, individually and as**
16 **trustee for OWNIT MORTGAGE LOAN**
17 **TRUST, MORTGAGE LOAN ASSET-**
18 **BACKED CERTIFICATES, SERIES, 2005-**
19 **2, ITS ASSIGNEES AND/OR**
20 **SUCCESSORS, CONTRA COSTA**
21 **COUNTY TRUSTEE, MORTGAGE**
22 **ELECTRONIC REGISTRATION**
23 **SYSTEMS, INC , LITTON LOAN**
24 **SERVICING, LP , ALL PERSONS**
25 **UNKNOWN, CLAIMING ANY**
LEGAL OR EQUITABLE RIGHT,
TITLE, ESTATE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THIS
COMPLAINT ADVERSE TO
PLAINTIFF' S TITLE THERETO
AND DOES 1-30, INCLUSIVE.

) Case No.: 09-03982JSW

) NOTICE OF PENDANCY OF ACTION

) **HSBC BANK USA NATIONAL**

) **ASSOCIATION, individually and as**

) **trustee for OWNIT MORTGAGE LOAN**

) **TRUST, MORTGAGE LOAN ASSET-**
- **BACKED CERTIFICATES, SERIES, 2005-**

) **2, ITS ASSIGNEES AND/OR**

) **SUCCESSORS, CONTRA COSTA**

) **COUNTY TRUSTEE, MORTGAGE**

) **ELECTRONIC REGISTRATION**

) **SYSTEMS, INC , LITTON LOAN**

) **SERVICING, LP , ALL PERSONS**

) **UNKNOWN, CLAIMING ANY**

) **LEGAL OR EQUITABLE RIGHT,**

) **TITLE, ESTATE, LIEN, OR**

) **INTEREST IN THE PROPERTY**

) **DESCRIBED IN THIS**

) **COMPLAINT ADVERSE TO**

) **PLAINTIFF' S TITLE THERETO**

) **AND DOES 1-30, INCLUSIVE, CCP 405.20**

1 DEFENDANTS.
2

3 Notice is hereby given that the above-entitled action was filed in the United States
4 District Court for the Northern District of California on August 27, 2009 by Plaintiff, Nicholas
5 Agbabiaka against HSBC BANK USA NATIONAL ASSOCIATION, individually and as
6 trustee for OWNIT MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-
7 BACKED CERTIFICATES, SERIES, 2005-2, ITS ASSIGNEES AND/OR SUCCESSORS,
8 CONTRA COSTA COUNTY TRUSTEE, MORTGAGE ELECTRONIC
9 REGISTRATION SYSTEMS, INC , LITTON LOAN SERVICING, LP , ALL PERSONS
10 UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE,
11 ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN
12 THIS COMPLAINT ADVERSE TO PLAINTIFF' S TITLE THERETO AND
13 DOES 1-30, INCLUSIVE.

14
15 The action affects title to specific real property and the right to possession of real
16 property identified in the Complaint in the action. The real property affected by the action is
17 commonly known as 27 Crest Avenue, Point Richmond, California, 94801, located in Contra
18 Costa County and its legal description is attached hereto as Exhibit A, and incorporated fully
19 herein.

20
21 Dated 8/31/09.

22
23 /s/Phyllis Voisenat
24 Phyllis Voisenat, Esq.
25 Attorney for Plaintiff

Certificate of Service

I Ade Hamza declare that I am over the age of 18, and not a party to the within action; my business address is 7850 Edgewater Drive, Oakland, California, 94621.

On September 1, 2009, I served the foregoing documents described as: Notice of Pendency of Action, on the interested parties by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, sent by certified mail, return receipt requested, in the United States mail at Oakland, addressed as follows:

Paul Lawrence, President and Chief Executive Officer
HSBC Bank USA, N.A.
1800 Tysons Blvd
Mc Lean, VA 22102

James Hester, Esq.
McCarthy Holthus LLP
1770 Fourth Avenue
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed on September 1, 2009, at Oakland, California.

/s/ Ade Hamza
Ade Hamza

Description:

The land referred to herein is situated in the State of California, County of Contra Costa, City of Richmond, and is described as follows:

THE SOUTH 10 FEET OF LOT 14 AND ALL OF LOTS 15 AND 16 IN BLOCK "K", AS DESIGNATED ON THE FILED MAP ENTITLED "MAP OF NICHOLL SUBDIVISION OF THE TOWN OF RICHMOND", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON AUGUST 28, 1900, IN VOLUME B OF MAPS, AT PAGE 110.

EXCEPTING FROM LOT 16: THE INTEREST AWARDED TO CITY OF RICHMOND IN THE FINAL ORDER OF CONDEMNATION, LOCAL SUPERIOR COURT, A CERTIFICATED COPY OF WHICH WAS RECORDED IN THE OFFICE OF THE LOCAL COUNTY RECORDER ON APRIL 15, 1916, BOOK 255, DEEDS, PAGE 119.

EXCEPTING FROM LOTS 15 AND 16: THAT PARCEL OF LAND DESCRIBED IN THE DEED TO DEPARTMENT OF VETERANS AFFAIRS, RECORDED SEPTEMBER 3, 1963, BOOK 4442, OFFICIAL RECORDS, PAGE 681, O.R.

APN: 558-072-016

Exhibit A

END OF DOCUMENT